

2015 SPRING ANNUAL TOWN MEETING

Article **XX**

Amend Zoning Bylaws: Assisted Living Residences and Assisted Living Overlay Option Plan

(22 Pleasant Street Study Committee)

To see if the Town will vote to amend the Natick Zoning Bylaws assisted living residences section and add regulations for an assisted living overlay district; or otherwise act thereon.

Purpose

To update the zoning bylaws assisted living section and to add a new alternative development option for parcels of less than 200,000 square feet which may, by separate action, be subject to Assisted Living Overlay Option Plan zoning.

Moved: To amend the Town of Natick Zoning By Laws by:

Inserting in SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS a new district as follows:

“Assisted Living Overlay Option Plan”

“ALOOP”

And; deleting the current text of Section III-I: Assisted Living Residences in its entirety and inserting, in its place, new text as follows:

“8.1.1 Purpose. The purpose of this Section 8.1 is to provide a residential environment that offers supportive services to individuals 55 years of age or older who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life.

8.1.2 Applicability. The Planning Board, acting as Special Permit Granting Authority (SPGA), may grant a special permit in accordance with Section 10.4 for the construction of an Assisted Living Residence (ALR).

8.1.3 Standards. The SPGA may grant a special permit under the following standards and requirements.

1. The ALR shall provide residences (**dwelling units**) of no more than two bedrooms each exclusively to meet the needs of seniors and the elderly together with their spouses, surviving spouses, **and or** resident staff.
2. Such facility may include common areas and community dining facilities. **Such facility may also provide accessory** ~~and may provide~~ personal care services, activities of assistance with daily living, and other related programs and services. **These accessory uses** ~~This may include, but are~~ **are** ~~is not~~ strictly limited to, meal care services, beauty salon, sundry shop, and banking and

recreational facilities. Space designated for accessory uses may not exceed ten (10) percent of total floor area.

3. At the time of application, the Applicant must demonstrate to the satisfaction of the SPGA the feasibility of future conversion of the facility to a use permitted for the zoning district.

4. The SPGA, in order to approve the Special Permit/Site Plan Approval for an ALR, must find that the overall impact of the facility will not substantially derogate from the cumulative impact associated with other uses allowed as a matter of right or by special permit within the zoning district.

~~5. Number of Living Units: The number of living units allowed in an ALR shall not exceed 30 living units per acre (43,560 sq. ft.).~~

5. Number of Dwelling Units: The maximum number of dwelling units shall equal the Net Usable Land Area, in acres, within the parcel to be used for the ALR Development in accordance with this Section multiplied by 30, rounded to the nearest whole number. Net Usable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

6. Intensity Regulations: The Assisted Living Residence (ALR) is subject to the intensity regulations pertinent to its zoning district, as set forth in Section 4.0. (IV-B)

7. Preserved Open Space: It is desirable that open space that is created for use in conjunction with the facility is retained as a visual amenity for neighbors and to residents of the Town.

8. Affordability Requirements: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town's Subsidized Housing Inventory (SHI) as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$5 multiplied by the total number of square feet of area in living units in the ALR. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.

9. Aquifer Protection District: Notwithstanding residential exclusions, the Assisted Living Residence (ALR) is subject to the procedures and special permit of the Aquifer Protection Overlay District (APD) if located therein.

8.1.4 Procedures. The procedures to be followed in obtaining approval for an ALR are as follows:

1. Pre-application: The Applicant is encouraged to meet with the Community Development Director and the SPGA prior to the preparation of a formal application, for general discussion of the project to be proposed.

2. Formal application: The Applicant shall submit a plan for the overall development, including a final site plan showing the final completed development in all phases as contemplated on the site at the time of application, regardless of the number of phases in which it may be constructed. Said application shall include at a minimum a completely designed first phase of development. The application shall be filed in the name of the Applicant. The Applicant must either own or submit authorization in writing to act for all of the owners of the ALR parcel prior to submitting a formal application. The application for a special permit shall be filed by the applicant with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed by the applicant with the SPGA.

3. Further procedures: Once a special permit is issued, no changes to the final site plan, exclusive of minor modifications as determined by the SPGA, shall be made without applying for a modification of such special permit.

8.1.5 Modification and Waiver. The SPGA may modify and/or waive strict compliance with one or more of these requirements, regulations, and objectives set forth in this Section, provided that it makes a specific finding in writing that a waiver and/or modification will not create conditions that are substantially more detrimental to the neighborhood in which the parcel is located than if the waiver and/or modification were not granted.

8.1.6 Regulations Specific to Assisted Living Overlay Option Plan (ALOOP).

1. The purpose of the ALOOP is to provide an alternative development option for parcels of less than 200,000 square feet which are subject to ALOOP Overlay Zoning.

2. Except as expressly modified in this section 8.1.6 the provisions of 8.1.1 through 8.1.4 shall apply.

3. In the absence of a feasible future conversion per Section 8.1.3.3., the Applicant must post a bond or surety in sufficient amount and form to allow for the removal of structures or components thereof which do not conform to the underlying zoning district.

4. In addition to the provisions of Section 8.1.3.4 the SPGA must find that: Mechanical equipment is screened in a manner to shield visual and acoustic impact; Lighting is shielded in a manner that light directly emitting from the luminaire be baffled to not be visible from abutting properties and waterways; Paint colors and tones of materials be muted and not create visual distraction; Buffers of native trees and other plants screen the facility from abutting residential properties; all utilities, wire, and cable service are placed underground.

5. Number of Dwelling Units: The maximum number of dwelling units shall equal the Net Usable Land Area, in acres, within the parcel to be used for the ALR Development in accordance with this Section multiplied by 20, rounded to the nearest whole number. Net Usable Land Area as used herein shall mean the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

6. Intensity Regulations: Any building erected using the regulations of this overlay district shall be subject to the following intensity regulations. Notwithstanding exclusions in these zoning bylaws or applicable building code; no mechanical, structural, access, or other appurtenances shall extend beyond these listed limits:

1. Sky Exposure Plane: The structure may not project beyond one or more sky exposure planes determined as follow.
 - a. 2:3 ratio from any lot lines abutting land that is residentially zoned.
 - b. 2:3 ratio from the edge of any permanent water body.
 - c. 1:1 ratio from any lot lines abutting land that is industrially zoned.
2. Height: 30 Feet
3. Front yard setback: 85 feet
4. Side yard setback: 20 feet
5. Rear yard setback: 40 feet

7. Modification and Waiver. The SPGA may modify and/or waive strict compliance with sections 8.1.6.5 and 8.1.6.6.2 by not more than ten percent (10%), provided that it makes a specific finding that access to public lands and waterways is assured for vehicular and pedestrian traffic by securing ways in fee or by easement and by finding in writing that a waiver and/or modification will not create conditions that are substantially more detrimental to the neighborhood in which the parcel is located than if the waiver and/or modification were not granted."

Article YY

Amend Zoning Bylaws: Add new Assisted Living Overlay Option Plan district to the Town of Natick Zoning Map

(22 Pleasant Street Study Committee)

To see if the Town will vote to amend the Town of Natick Zoning Map by designating certain land as being within an Assisted Living Overlay Option Plan district; or otherwise act thereon.

Purpose

To add an overlay district which enables by special permit, assisted living residences, to specific land currently zoned Industrial I, Residential General and Residential Single.

Moved: To amend the Town of Natick Zoning Map by including in an Assisted Living Overlay Option Plan overlay district land known as 22 Pleasant Street and as land to the east of Pleasant Street on Assessors Map 64, Lot 44:

Said land being described as follows:

- Beginning at a point on the east side of Pleasant Street at the southwest corner of land n/f Town of Natick; thence,
- Easterly along the lot line 328.35 feet +/- to a point; thence,
- Easterly along the lot line 625 feet +/- to a point in the center of the Charles River; thence,
- Southerly along the center line of the Charles River 238 feet +/- to a point; thence,
- Westerly along the lot line of land n/f Magdi Yousef 264 feet +/- to a point; thence,
- Northerly along the lot line 52.38 feet +/- to a point; thence,
- Westerly along the lot line 151.32 feet +/- to a point at the northeast corner of land n/f Barbara & William Campbell; thence,
- Westerly along the lot line 148.50 feet +/- to a point at the northeast corner of land n/f Barbra & Rexford Kidd; thence,
- Westerly along the lot line 377.16 feet +/- to a point on the east side of Pleasant Street; thence,
- Northerly along the east side of Pleasant Street 116.10 feet +/- to the point of beginning.